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09/879,958	06/14/2001	Kazuo Sano	4468-016	4198

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EXAMINER
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AMINI, JAVID A

ART UNIT	PAPER NUMBER
2672	78

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/879,958

**Applicant(s)**

SANO ET AL.

**Examiner**

Javid A Amini

**Art Unit**

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6- 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>17 and 12</u> . | 6) <input type="checkbox"/> Other: _____  |

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***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14, 2004 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6- 26 rejected under 35 U.S.C. 103(a) as being unpatentable over McGreggor et al. (hereinafter is referred as a McGreggor), and Tsukada and further in view of Holub.

1. Claim 1.

McGreggor in figs. 1 and 2 illustrates a system for calculating a blending ratio; see McGreggor in col. 14 lines 48-51 teaches the destination component is replaced by the average of the source component and destination component, using the operand component to specify the ratio. "A CCM calculating system for calculating a blending ratio of colorants based on stored color data, said system comprising:"

McGreggor in figs. 22-23 illustrates a data receiving for identifying source and destination color profiles see item 23120 in fig. 23. McGreggor in fig. 23 item 23120

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teaches a colorimeter device, which would specify differences between color specification values corresponding to the source color (color chip) and color specification values corresponding to a destination color (desired target color). "a data receiving means for receiving input\_data identifying a color chip and data of user-specified differences between color specification values corresponding to the color chip and color specification values corresponding to a desired target color;" and a calculating means for calculating a blending ratio of colorants for reproducing said target color based on said stored color data and said data of user-specified differences of said color specification values."

McGreggor in col. 20, lines 5-12 teaches Figs. 18 and 19 provide typical TRC curves.

Fig. 18 is a TRC for one colorant, e.g., red, for a typical CRT monitor. The profile will include a TRC for each primary colorant of each real source and destination device. Fig. 19 represents a TRC for typical printer ink. The TRCs are measured tables with a finite number of samples. Interpolation is used to complete the range of the TRC during use.

McGreggor does not explicitly specify a color chip, however McGregor in fig. 1 illustrates source color store item 13. Tsukada in fig. 1 items 20 and 21 illustrates a similar function as the color chip data. McGregor and Tsukada do not teach server storing color data, but Holub teaches controlling color reproduction at multiple sites (network). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Tsukada and Holub into McGregor in order to combined items 21 and 201 in fig. 11 of Tsukada, inserted them between items 32 and 33 in McGregor's fig. 2 to be able to have the color ink (colorant) capability. Also incorporating fig. 3A of Holub to have access to the system 100, which has a network 11 having a pipe 11a through which multiple nodes (or sites) of network 11

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can be linked for data flow between nodes. Network 11 may be a telecommunication network, WAN, LAN (with a server) or Internet based.

2. Claim 2.

See rejection of claim 1. "The CCM calculating system as claimed in claim 1 comprising a server storing said color data, wherein said calculating means calculates said blending ratio using said server",

3. Claim 3.

See rejection of claim 1. "The CCM calculating system as claimed in claim 1, further comprising a color specification value displaying means for displaying color specification values included in said input data of color specification values",

4. Claim 4.

McGregor in fig. 16 items 1634 and 1635 illustrates the step of "The CCM calculating system as claimed in claim 1, further comprising a correcting means for correcting said color specification values displayed on said displaying means",

5. Claim 6.

McGregor in fig. 3 item 303 "The CCM calculating system as claimed in claim 1, further comprising blending ratio displaying means for displaying said calculated blending ratio of colorants",

6. Claim 7.

Holub in figs. 4B and 4C illustrates a method to calculate the amount of colorant. It is obvious to multiply the cost of the colorant to the amount of colorant to calculate the total cost of colorant. "The CCM calculating system as claimed in claim 6, wherein said color data includes data of costs of colorants, said calculating means provides a plurality of

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said blending ratios of colorants and calculates the total cost of each of said calculated blending ratios based on said data of costs of colorants, and said blending ratio displaying means displays said plurality of blending ratios arranged in the descending order or the ascending order in terms of said total cost”,

7. Claims 9 and 20.

Tsukada in fig. 11 item 201 specifically illustrates items 9 and 8. “The CCM calculating system as claimed in claim 1, wherein said color data is provided based on data obtained by the measurement by means of a spectrophotometer”, the step is obvious because a spectrophotometer is for measuring the relative intensities of light in different parts of a spectrum.

8. Claims 10 and 21.

See rejection of claim 1. “The CCM calculating system as claimed in claim 1, wherein said color data is provided based on data obtained by the measurement by means of a colorimeter”, the step is obvious because a colorimeter is for determining and specifying colors.

9. Claim 11.

See rejection of claim 1. “A CCM calculating method for calculating a blending ratio of colorants based on stored color data, said method comprising the steps of: receiving data identifying a color chip and data of user-specified differences between color specification values corresponding to the color chip and color specification values corresponding to a desired target color; and calculating a blending ratio of colorants for reproducing said target color based on said stored color data and said data of user-specified differences of said color specification values”.

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10. Claim 12.

See rejection of claim 1. “A computer-readable medium having a program of instructions for execution by the computer to perform a CCM calculation processing for providing a blending ratio of colorants based on stored color data, said CCM calculation processing comprising the steps of: receiving data identifying a color chip and data of user-specified differences between color specification values corresponding to the color chip and color specification values corresponding to a desired target color; and calculating a blending ratio of colorants for reproducing said target color based on said stored color data and said data of user-specified differences of said color specification values”.

11. Claim 13

See rejection of claim 1. “wherein said blending ratio is calculated using a server storing said color data”.

12. Claim 14

See rejection of claims 3 and 4, “further comprising the step of displaying said input data using an input data displaying means”.

13. Claim 15

See rejection of claim 4, “further comprising the step of correcting said color specification values displayed on said input data displaying means”.

14. Claim 16

See rejection of claim 6, “wherein said color data includes data of colorants, resins or applications.”

15. Claims 17 and 18

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See rejection of claims 6 and 7, As in claim 17, “further comprising the step of displaying said calculated blending ratio of colorants in a blending ratio displaying means”. And in claim 18 “wherein said color data includes data of costs of colorants, a plurality of said blending ratios of colorants are provided and the total cost of each of said calculated blending ratios is calculated based on said data of cost of colorants, and said blending ratio displaying means displays said plurality of blending ratios arranged in the descending order or the ascending order in term of said total cost.”

16. Claims 8 and 19.

McGreggor in fig 2, and Tsukada in fig. 11 teach the step of claim 8, “The CCM calculating system as claimed in claim 1, wherein first difference of hues, lightnesses or chromas of said target color and a test sample for toning with one light irradiated is different from second difference of hues, lightness or chromas of said target color and said test sample with another light irradiated, and wherein said system further comprises means for calculating said blending ratio of colorants which may effectively decrease the difference between said first difference and said second difference”, And in claim 19 “wherein first difference of hues, lightness or chroma of said target color and a test sample for toning with one light irradiated is different from second difference of hues, lightness or chroma of said target color and said test sample with another light irradiated, and wherein said blending ratio of colorants is calculated which may effectively decrease the difference between said first difference and said second difference.”

17. Claims 22 and 24,

McGreggor in col. 8, lines 1-33 teaches the step of claim 22.

18. Claims 23 and 25,



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Holub in col. 23, lines 26-32 teaches the step of claim 23.

19. Claim 26

See rejection of claim 1.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248.

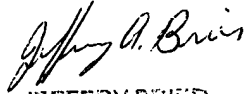
The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
Examiner  
Art Unit 2672

Javid Amini

  
JEFFERY BRIER  
PRIMARY EXAMINER